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HUMAN RIGHTS COMMITTEE

Fiftieth session

SUMMARY RECORD OF THE 1306th MEETING

Held at Headquarters, New York,
on Wednesday, 30 March 1994, at 10 a.m.

Chairman: Mr. ANDO

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Second periodic report of Cameroon

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Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 10.25 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (continued)

Second periodic report of Cameroon (CCPR/C/63/Add.1)

1. At the invitation of the Chairman, Mr. Biloa Tang and Mr. Zibi Nsoe (Cameroon) took places at the Committee table.

2. Mr. ZIBI NSOE (Cameroon) said that, since the submission of its previous report, Cameroon had made significant progress in the passage of legislation for the protection of the fundamental rights and freedoms recognized in the Covenant. Among the most significant was Act No. 90-956 of 19 December 1990 establishing the multi-party system, which gave effect to article 3 of the Constitution of 1972. In the 1992 legislative elections, 36 parties had presented candidates, and there had been 8 candidates in the presidential elections held in October 1993. Other important recent legislation included the repeal of the laws against subversion and concerning conditions for entry into, exit from and residence in Cameroon; exit visas were no longer required for Cameroonian nationals, and a married woman no longer needed her husband's permission to leave the country.

3. The National Committee for Human Rights and Freedoms had recently been established, its functions being to receive reports of human rights violations; conduct inquiries and investigations, and report its findings direct to the President of the Republic; inform the authorities of cases of human rights violations; conduct visits to prisons and police stations in the presence of the public prosecutor or his representative and report thereon to the competent authorities; study all questions relating to the protection and promotion of human rights and freedoms; recommend measures to be taken in the area of human rights and freedoms; coordinate the activities of non-governmental organizations which wished to participate in its work; and maintain relations with the United Nations and international human rights bodies.

4. Act. No. 90/052 of 19 December 1990 on freedom of social communication had liberalized the organs of the press and the other media of communication.

5. The situation of human rights in Cameroon might not yet be perfect, but, as his comments indicated, the Government had made a commitment to work towards the promotion and protection of those rights.

Constitutional and legal framework within which the Covenant is implemented, state of emergency, non-discrimination and protection of the family and children (arts. 2, 3, 4, 23, 24 and 26) (sect. I of the list of issues)

6. The CHAIRMAN read out section I of the list of issues concerning the second periodic report of Cameroon, namely: (a) factors or difficulties affecting the implementation of the Covenant, particularly since the introduction of the multiparty system in 1990; (b) cases in which the provisions of the Covenant had been invoked in the Cameroonian courts; (c) additional information on the composition, functions and recent activities of the National Committee for Human

(The Chairman)

Rights and Freedoms; (d) steps taken to disseminate information, in the various languages spoken in Cameroon, on the rights recognized in the Covenant and the first Optional Protocol and the extent to which the public had been informed of the Committee's consideration of the report; (e) additional information on the powerful factors militating against equality between men and women, and measures taken to improve the situation and to disseminate information on the rights of women; (f) information on any state of emergency proclaimed since the consideration of the initial report, its duration and the rights from which there had been derogations; and (g) the legal provisions ensuring respect for article 4, paragraph 2, of the Covenant in a state of emergency, the guarantees and effective remedies available to individuals in that event, and any steps taken to bring Cameroonian law into line with the requirements of article 4, paragraph 3, of the Covenant.

7. Mr. ZIBI NSOE (Cameroon), referring to section I (a), said that there had been no obstacles as such to the implementation of the Covenant. Cameroon had returned to a multiparty political system after 24 years under a one-party system, however, and some excesses had occurred because the lessons of democracy had not yet been fully assimilated and some people, including party leaders, had believed that they were above the law. He was confident that, with greater experience, the understanding of democracy and freedom would improve and the ideals of the Covenant would be achieved. With regard to section I (b), although the Covenant could be invoked directly, there was no widespread awareness of that fact. A major media campaign, which included round-table discussions and radio and television programmes, was currently under way to disseminate information concerning the Covenant and other international instruments. Referring to section I (d), he said that the use of national languages was limited to radio programmes, but efforts were being made to translate the Covenant and other international instruments into the major national languages.

8. With regard to section I (e), he said that equality between men and women was established in the Constitution and that several laws had been passed to implement that principle. The traditions of a predominantly patriarchal society had, however, prevented the principle of equality of the sexes from becoming a reality. The differentiation of sex roles was far more pronounced in family life than in public and professional life. Among measures taken to remedy the situation, the Government ensured equal access to education for boys and girls and equal access to employment in the civil service. A Ministry of Social and Women's Affairs had been established, and numerous associations of professional women and other women's groups had been formed. Those groups were actively involved in preparations for the Fourth World Conference on Women, to be held in 1995.

9. Mr. BILOA TANG (Cameroon), responding to the request for additional information on the National Committee for Human Rights and Freedoms in section I (c) of the list of issues, said that it had been established in 1990 by the Head of State, and had begun its work in 1992. Its 18 members were drawn from the administration, the Ministry of Justice, the Supreme Court, the political parties represented in the National Assembly, the Cameroonian Bar, the Faculty of Law, the press, the Cameroonian Economic and Social Council and women's organizations. Members and alternates were appointed for five-year

(Mr. Biloa Tang, Cameroon)

terms. The main mission of the National Committee was to protect and promote human rights and fundamental freedoms in Cameroon. It received reports of alleged violations and conducted inquiries and investigations, reporting direct to the President of the Republic; it was authorized to visit any prison or place of detention in the course of its investigations; its functions included missions to the provinces to hold informational and educational seminars intended to raise awareness and educate citizens about their human rights; and it maintained relations with non-governmental organizations and coordinated their activities. It had also participated in a media campaign, and, in conjunction with the United Nations Information Centre, had organized a "human rights day".

10. With reference to section I (f), he said that a state of emergency had been proclaimed in Cameroon since the consideration of the first report. Concern for the maintenance of public order must be balanced against individual rights. Any organized society required order if it was to survive, and Cameroon was not unique in restricting during times of emergency the individual rights that were enjoyed during normal times. Act No. 90/047 of 19 December 1990 provided that certain rights and freedoms could be restricted when circumstances so required, for instance, in the event of natural disasters, a serious threat to the security of the State or public order, and external aggression. The President of the Republic could proclaim a state of emergency for a period of not more than three months in all or part of the national territory. It was under the provisions of that Act that the President had declared a state of emergency in October 1992 in the Nord-Ouest province after serious disturbances had broken out following the official proclamation of the results of the presidential elections. The state of emergency had been lifted after one and a half months. Although the right to enter and leave the province and freedom of movement within it had been temporarily suspended, the Government had not derogated from its obligations under articles 6, 7, 8, 11, 15, 16 and 18 of the Covenant. Article 8 of the Act required the authorities to inform the National Committee for Human Rights and Freedoms of any measures taken pursuant to emergency legislation. The Act further provided that whenever anyone was placed under restricted residence, the administrative authorities must provide him with the means of subsistence.

11. Mr. NDIAYE said that, on the whole, the report had been prepared in accordance with the Committee's guidelines, although it glossed over some issues and did not contain specific data relating to certain articles of the Covenant.

12. With regard to the status of the Covenant in Cameroon, the implications of paragraph 9 of the report were unclear; if any legislative act or regulation contrary to duly ratified and promulgated international instruments was null, that meant that the act or regulation in question had, in effect, been withdrawn from the corpus of law. In his country, while international treaties took precedence over domestic legislation, that did not mean that provisions contrary to such treaties were virtually non-existent. Additional information on that point would be useful.

(Mr. Ndiaye)

13. It would be interesting to learn whether the members of the National Committee for Human Rights and Freedoms combined their professional duties as private citizens with their functions on the Committee and, if so, how they managed to do so.

14. It would also be useful to have a fuller account of the Committee's role and effectiveness, since, according to an Amnesty International report, the Committee's work had been obstructed on at least two occasions. In May 1992, the Chairman of the Committee had allegedly been refused permission to communicate with a political prisoner; furthermore, he himself had been incarcerated briefly, and his documents had been confiscated. It was further alleged that the Committee had visited two prisoners held by the Cameroonian security services in November 1992 and had found that recourse to torture was systematic. He requested the representatives of the reporting State to comment on those allegations, which were very serious.

15. Lastly, referring to paragraph 39 of the report, which stated that there were still powerful factors militating against equality between men and women, particularly in the Muslim and rural areas, he requested the reporting State to be more specific about those aspects of Islam which were detrimental to women's equality.

16. Mrs. CHANET said that, while the report followed the Committee's guidelines, it did not elaborate on the difficulties of implementing human rights legislation. As indicated in paragraph 31 of the report, numerous human rights violations went unpunished in Cameroon despite a whole array of legislation, largely because potential litigants lacked a sufficient legal culture. The absence of such a culture should not be attributed to potential litigants, but to the Government, which had a responsibility to educate the people so as to make them aware of their rights.

17. She shared the views expressed by Mr. Ndiaye regarding paragraph 9 of the report; it was strange that the principle of absolute nullity could be applied to a legislative act. The Government should explain who was empowered to declare that a piece of legislation was "null absolutely", and what procedures were followed.

18. The statement in paragraph 27 of the report that the rights recognized under the Covenant were guaranteed in Cameroon by the preamble to the Constitution, which had the same status in law as the main body of the text, was not entirely accurate. While some rights embodied in the Covenant might be mentioned in the preamble to the Constitution, others were not: for instance, the right of anyone who was deprived of his liberty by arrest or detention to institute proceedings before a court (art. 9, para. 4), and the right of everyone, in the determination of any criminal charge against him, to a fair and public hearing (art. 14). The reporting State should clarify those omissions.

19. Furthermore, the Constitution provided few details regarding the organization of the judiciary. She would be grateful for additional information as to whether the judiciary was independent; whether its independence was guaranteed by rules and, if so, which ones; and how judges were appointed, whether their career development was subject to rules, whether they were subject

(Mrs. Chanet)

to disciplinary norms, and whether there was any distinction between Government procurators (magistrats du Parquet) and judges (magistrats du siège).

20. With regard to the state of emergency declared in 1992, according to the Cameroonian representative, the Government had not derogated from its obligations under article 4, paragraph 2, and articles 6 and 7 of the Covenant and Cameroonian legislation would not have permitted it to do so. However, she failed to understand why the Government had not implemented the provisions of article 4, paragraph 3, of the Covenant in full and had not informed the Secretary-General of the declaration of a state of emergency.

21. With regard to the National Committee for Human Rights and Freedoms, she, too, was struck by the contrast between the considerations that had led to its establishment and the conditions under which it was compelled to operate. If the report from Amnesty International was true, it raised serious questions as to the role and effectiveness of the National Committee.

22. According to paragraph 26 of the report, which dealt with the electoral reform, candidacies put forward by a legally recognized political party were now taken into consideration. The phrase "taken into consideration", however, did not necessarily mean that such candidacies were automatically put before the electorate. She would appreciate information as to whether there was a prior selection of candidates and, if so, by whom; how a political party was established, financed and regulated; and whether the introduction in 1990 of a multiparty system meant that the provisions of article 25 of the Covenant would now be fully implemented.

23. Mrs. EVATT said that, while both the report and the oral presentation contained much useful information, the report also restated a good deal of the material contained in the earlier report and failed to provide sufficient details on the actual enjoyment of human rights in Cameroon.

24. The reporting State should indicate whether the National Committee for Human Rights and Freedoms was specifically empowered to institute court proceedings in order to obtain enforceable remedies or to nullify laws and actions that were in conflict with the Covenant or with the rights and freedoms enunciated in the preamble to the Constitution. In particular, it would be useful to learn how an individual, for instance, a prisoner, could have access to the National Committee, and how the latter protected individuals in respect of the rights embodied in the Covenant. She also wished to know whether the Committee was independent of the public service and whether it had its own secretariat and budget. Lastly, the reporting State should indicate whether it was aware of the complaints received by the Human Right Committee relating to the obstruction of the work of the National Committee for Human Rights and Freedoms.

25. With regard to articles 3 and 26 of the Covenant, relating to the status of women, reference had been made to traditional attitudes. Customary laws in Africa were often detrimental to women's equality and she would appreciate information as to whether any attempts were being made to bring such laws into conformity with the Covenant. The response that those matters should be handled within the family was unsatisfactory; the Government must provide leadership and

(Mrs. Evatt)

education so as to ensure that women were able to take their rightful place in society. The report contained little information on the levels of education and literacy among women and on their participation in Government and politics. It would be interesting to learn whether there were any other female members of the National Committee for Human Rights and Freedoms other than the women's representatives to whom the representatives of the reporting State had referred.

26. With regard to the issue of female genital mutilation, reference had been made to the Government educational and awareness-raising programmes being carried out in the communities; data should be provided on the effectiveness of such programmes. Any information that could reassure the Human Rights Committee that the physical integrity of girls and young women was being adequately safeguarded would also be welcome.

27. Mr. BAN said that the report reflected important developments in the human rights situation in Cameroon; for example, married women no longer needed their husbands' permission to apply for an exit visa (para. 35) and women were serving in the Government and as ambassadors and directors of public-sector companies (para. 36). The ratification by Cameroon in 1989 of the Convention on the Rights of the Child was also a major step forward.

28. The most significant event in the country's political history during the period under review had been the introduction of a multiparty system; the report, however, mentioned it only once, in paragraph 3, and then only in a general way, thus missing an opportunity to explore the impact of that event on the political structures and the situation of human rights in Cameroon. Inasmuch as the transition from a one-party system to a multiparty system had been envisaged in the first periodic report and had been called for by members of the Committee, it would have been helpful if the second report could have described in greater detail the new political landscape in the country after 1990.

29. He had a number of questions concerning the nature of the new political regime and the structure of the State organs. In particular, he would like to know what legislative and executive bodies existed, what the role of the President was, and what the division of legislative and executive competence was. Concerning the electoral system, he wished to know what impact the new electoral legislation had had on the transition to a multiparty system, how many parties existed and how many were in opposition, and whether any efforts were under way to draft a new constitution, given that the existing one was based on a single party system.

30. It was disturbing to note that the Committee had received from other sources reports of massive human rights violations in Cameroon, including the imprisonment without trial and the torture of opposition party members and of journalists. There seemed to be widespread recourse to administrative detention and political assassinations. In a recent report Amnesty International had called for an end to those practices. He would welcome the comments of the reporting State.

31. Mr. EL-SHAFEI said that the report contained scant information on the transition to a multiparty system. It seemed that the representatives of the reporting State were glossing over the Committee's questions, which had been prepared with considerable thought. The Committee's only concern was to assist Cameroon and he felt that a greater effort could be made to respond to its concerns.

32. He was interested in the status of the Covenant and how it was implemented in Cameroon, since it appeared that its provisions were not well known, even by legal practitioners who should be aware of its provisions in their day-to-day activities. For example, the Committee had not received many communications under the Optional Protocol. He wondered whether there were specific human rights research institutes at Cameroonian universities.

33. He welcomed the establishment of the National Committee for Human Rights and Freedoms, and asked what its functions were other than simply issuing recommendations.

34. Commenting on the political transition, he noted that the Committee had received reports of the imprisonment of opposition politicians. It was important for the representatives of the reporting State to be forthcoming on that matter. With regard to the state of emergency, he wished to know what rights had been derogated from and what impact there had been on everyday life.

35. Mrs. HIGGINS said that she was particularly interested in the recent political developments in Cameroon and in issues relating to freedom of movement. While the report followed the Committee's guidelines, it was somewhat formalistic.

36. She commended the National Committee for Human Rights and Freedoms on its work, but wondered what practical impact its recommendations had and whether its staff were at risk in discharging their duties.

37. The notice of termination of the state of emergency had been submitted to the Special Rapporteur on human rights and states of emergency of the Commission on Human Rights, a procedure which was not in compliance with the Covenant, under which there was an obligation to notify the Secretary-General of the United Nations, by which means the Committee itself would have been apprised. The Committee needed more information - specifically, as to why there had been any need for the declaration of a state of emergency, the text of the emergency decree, an indication of what rights had been derogated from, and the details of the notification of termination - so that it could determine whether article 4, paragraph 3, had been complied with.

38. It was gratifying that the report recognized that the right to self-determination did not merely involve independence from colonial rule, but included the ongoing right to exercise political choice. An impartial voting system was an important element in securing that right, and in that connection, she noted that there had been widespread reports of election fraud in 1992. That had led to objections by the opposition, which had been a direct cause of the declaration of the state of emergency. She asked what was being done, in

(Mrs. Higgins)

terms of electoral practice, to ensure that the transition to a multiparty system was indeed a reality. Local government elections were due to be held in the near future and would provide an opportunity to assess the current situation. The political system must work in practice and not just exist in a legislative sense; in that connection, she noted the reports of arrests of opposition politicians. Lastly, she asked whether a new constitution would be drafted as part of the transition.

39. Mr. BRUNI CELLI said that Cameroon had ratified many international human rights instruments, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in addition to the Covenant itself, had established the National Committee for Human Rights and Freedoms, and had made a transition to a multiparty system. All those developments created certain expectations, which, regrettably, did not appear to be fulfilled, given the reality of political detention in Cameroon. The report indicated that many human rights violations went unpunished because of the country's legal culture. It seemed, therefore, that there was a need to promote an awareness of democracy, which must become a reality rather than be merely established by law.

40. In the context of the political changes, there had been allegations of electoral fraud and of disappearances and torture. More specific comments on those points were required. In particular, the Committee needed to know what practical steps were being taken by Cameroon to meet its obligations, and what attempts were being made to ensure respect for the new approach to human rights.

41. Mr. SADI welcomed the transition to a multiparty system, but noted that the legacy of a single-party regime meant that difficulties would inevitably arise. He appreciated the frankness of the representatives of the reporting State and welcomed the determination of the Cameroonian Government to effect change.

42. There were, however, some concerns regarding the status of the Covenant in Cameroon. The report suggested that only some of the Covenant's principles were recognized under Cameroonian legislation and that some discrimination between men and women still existed. In that connection, it would be of interest to know what happened when there was a conflict between the dictates of tradition and religion and Cameroonian legislation. Similarly, the references to discrimination and harassment in the preamble to the Constitution were more limited than was required under article 2 of the Covenant. With regard to the National Committee for Human Rights and Freedoms, it would be of interest to know how relevant the provisions of the Covenant were to its work and to have some statistics on the number of complaints it had dealt with.

43. Mr. LALLAH asked for more information as to how the second periodic report had been prepared, whether the National Committee for Human Rights and Freedoms had taken part in its preparation, and whether the comments of the Human Rights Committee on the first periodic report had been taken into account. Noting that there was a contradiction between the periodic report and the reports the Committee had received from other sources regarding violations of human rights in Cameroon, he asked whether the National Committee was aware of the obligations imposed by the Covenant and what weight was given to the work of the National Committee by the Government. He also asked for further information as

(Mr. Lallah)

to what happened in practice with regard to the rights of women and how the recent state of emergency had affected the rights guaranteed under Article 4 of the Covenant.

44. Mr. WENNERGREN noted that the report did not provide any insight into how the human rights situation in Cameroon had developed since the first periodic report and said he would like more information on the obstacles encountered in achieving the objectives of the reforms initiated in 1990. He asked whether the National Committee for Human Rights and Freedoms provided advice to the Government, whether it had been consulted in the preparation of the second periodic report and what its powers were with regard to complaints of human rights violations from individuals. He also asked to what extent it was possible for children to learn about human rights.

45. Mr. AGUILAR asked for more information regarding the revolutionary provisions referred to in paragraph 3 of the report and the multiparty system established in 1990. He also requested further information as to what difficulties had led to the proclamation of a state of emergency following the elections and what was being done to disseminate knowledge of and respect for human rights in Cameroon. He requested more details concerning the participation of women in education, the professions and government and concerning the factors militating against equality between men and women referred to in paragraph 39 of the report.

46. Mr. HERNDL said that, although the report followed the guidelines established by the Committee, it did not contain the information which the Committee wanted. He asked for more information concerning the composition and functions of the National Committee for Human Rights and Freedoms and the measures envisaged or already taken to mitigate the factors militating against the equality of men and women referred to in paragraph 39. He also asked what the relationship was between the Constitutions of 1960 and 1972 and the present Constitution; whether there were plans to adopt a new Constitution; what happened when the rights guaranteed under international instruments to which Cameroon had acceded conflicted with national legislation; and whether Cameroon had ratified the Universal Declaration of Human Rights.

47. Mr. PRADO VALLEJO requested more information concerning the powers of the National Committee for Human Rights and Freedoms and the guarantees of its independence. He asked what the Government was doing to reduce the number of violations of human rights and whether there were any programmes of education in human rights in the schools and for the police. He also requested more information concerning the suspension of human rights during the recent state of emergency.

The meeting rose at 1 p.m.

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HUMAN RIGHTS COMMITTEE

Fiftieth session

SUMMARY RECORD OF THE 1307th MEETING

Held at Headquarters, New York,
on Wednesday, 30 March 1994, at 3 p.m.

Chairman: Mr. WENNERGREN
(Vice-Chairman)

later: Mr. ANDO

CONTENTS

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In the absence of Mr. Ando, Mr. Wennergren, Vice-Chairman, took the Chair.

The meeting was called to order at 3.20 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (continued)

Second periodic report of Cameroon (continued) (CCPR/C/63/Add.1)

1. At the invitation of the Chairman, Mr. Biloa Tang, Mr. Zibi Nsoe, Mr. Eva and Ms. Boum (Cameroon) took places at the Committee table.

2. The CHAIRMAN said that the Cameroonian delegation would proceed to answer questions which had been raised in connection with section I of the list of issues.

3. Mr. BILOA TANG (Cameroon), referring to the questions which had been asked about the state of emergency in Cameroon, said that, when the state of emergency had been proclaimed, he and the Minister for Foreign Affairs had sought an audience with the Secretary-General of the United Nations and had explained the conditions in Cameroon which had led to the declaration of a state of emergency for a very short period of time. The Director of the Africa Bureau of UNDP had also been informed. Thus his Government had made a formal diplomatic communication about the state of emergency, although it had not provided notification in accordance with article 4 of the Covenant.

4. There was no discrimination against women in the civil service and the diplomatic corps; the Ambassador of Cameroon to the United Nations from 1982 to 1984 had been a woman and the current Cameroonian Ambassador to Benelux and the European Union was a woman.

5. The situation with regard to human rights and democracy in Cameroon was constantly evolving. At the time of the submission of the first periodic report, Cameroon had not yet initiated the process of democratization; that process was now under way and would be continued until it was completed.

6. Mr. Ando took the Chair.

7. Ms. BOUM (Cameroon) said that in Cameroon the equality of men and women was guaranteed in the Constitution. In order to ensure that it was achieved in practice, her Government had established a Ministry of Women's Affairs, which had been merged with the Ministry of Social Affairs to become the Ministry of Social and Women's Affairs. The fact that that Ministry dealt with matters relating to children and the disabled, as well as women, did not mean that her Government minimized the importance of women; the two Ministries had been merged because both dealt with vulnerable categories of people. In the Ministry of Women's Affairs there had been a Committee for the Advancement of Women, which was still in existence; that Committee had played a significant role in bringing about Cameroon's ratification of the Convention on the Elimination of All Forms of Discrimination against Women. It had also worked to eliminate the

(Ms. Boum, Cameroon)

requirement that a woman wishing to leave the territory of Cameroon had to have her husband's permission.

8. Women held senior positions in the Government, and there were currently two women ministers; heads of the Supreme Court and the Court of Appeals were women and there were women public prosecutors, and company directors, university rectors and mayors. Access to education and the civil service was the same for men and women.

9. In order to encourage parents to enrol all their children, both boys and girls, in school, the administrative authorities carried out checks at the beginning of the school year, especially in rural areas, to ensure that all children were registered.

10. Mr. ZIBI NSOE (Cameroon) acknowledged that the report was short, as some members of the Committee had pointed out. However, at the previous meeting his delegation had gained a better idea of what the Committee expected and would bear that in mind in preparing the third periodic report.

11. Referring to the question about the fundamental law (Constitution) of Cameroon, he said that in 1919, under the Treaty of Versailles, Cameroon had been divided. French Cameroon had gained independence in 1960 and had adopted a Constitution in May of that year, while British Cameroon had become independent in 1961. Reunification had subsequently taken place, resulting in the formation of the Federal Republic of Cameroon, and a Federal Constitution had replaced the 1960 Constitution. In 1972, following a referendum, the Federal Republic of Cameroon had become a unitary State, the United Republic of Cameroon. The current Constitution dated from June 1972 and had undergone several changes. In 1975, the post of Prime Minister had been established; the holder of that post was not the head of the Government but was responsible for coordinating government action in the economic area. In 1979, the Prime Minister had been named the constitutional successor to the Head of State in the event that the latter did not complete his term of office. In 1982, the Head of State had resigned and the Prime Minister had become the leader of Cameroon; in 1983, an early election had been held; in 1984, the post of Prime Minister had been abolished; in 1988, the President had been given the authority to call an early election; and in 1991, the post of Prime Minister had been restored, as head of the Government.

12. In 1992, the President of the Republic had announced a major constitutional review of the Fundamental Law. Meetings had been held in March 1993 and a preliminary draft had been disseminated in June. Political parties, even those not represented in the National Assembly, had also prepared drafts. A constitutional advisory committee would review the draft fundamental law and it would then either be put to a referendum or referred to the National Assembly.

13. The current Constitution provided for two heads: the President, who was the head of the executive branch, and the Prime Minister, who was the head of the Government. The legislature consisted of a single chamber of 180 deputies. Following the legislative elections of March 1992, three opposition parties had gained seats in the National Assembly, and the former single party no longer held an absolute majority.

(Mr. Zibi Nsoe, Cameroon)

14. As to the judiciary, the Supreme Court had full jurisdiction. It was competent in administrative matters and ruled on the constitutionality of laws.

15. Mr. EVA (Cameroon), referring to the question as to how a multiparty system had come into being in Cameroon, said that in 1985, when a single party, the Rassemblement Démocratique du Peuple Camerounais, had been in power, the Cameroonian President had launched a programme of liberalization and democratization. In the 1987 municipal elections, there had been a choice of candidates from the ruling party, in which various schools of thought had begun to emerge. In the 1988 legislative elections the party had again authorized multiple candidacies and in June 1990, the President of the Republic had announced the introduction of a multiparty system. That announcement had been preceded by two important events: in May 1990, there had been a violent demonstration at Bamenda, during which the leader of the demonstration had demanded the right to create a political party and a lawyer who had distributed tracts regarded as subversive had been tried and sentenced to three years' imprisonment. In December 1990, a series of laws had been promulgated on various freedoms, including freedom of association and freedom to form political parties.

16. Prior to 1990, the formation of associations had required the authorization of the Ministry of the Interior. Over a period of 30 years, 301 associations of all types had been recognized. The new law established two regimes for the recognition of associations; declaration and authorization. The former was a fairly simple procedure; the declaration was made at the local level and, if there was no response within two months, the association was automatically approved. Since January 1991, 278 associations had been formed in both urban and rural areas, including 21 human rights associations. A number of socio-cultural and tribal associations, for which no declaration was required, had also been established. Religious and foreign associations were subject to the authorization regime. Religious associations were recognized by Presidential decree after a review by the administrative authorities. In general, all religious associations were recognized and 16 foreign associations had been approved between 1990 and 1993.

17. The single-party system had been changed by the law of December 1990, which had laid down the conditions for the formation of political parties. Applications to form political parties had to be referred to the provincial government, which had to transmit them to the Ministry of Territorial Administration within 15 days. If there was no response within three months, the party was automatically considered to be legal. Any refusal to allow the establishment of a political party had to be communicated to the applicant with the reasons for the decision; the refusal could be appealed in the administrative courts. There were currently 92 legal political parties, and a number of other parties were in the process of being formed so that there would soon be over 100. Political parties could acquire and dispose of the property they needed for their activities, collect dues, open bank accounts, establish newspapers and training institutes, go to court, hold meetings and organize demonstrations, and earn income from their cultural and economic activities. Under certain conditions some of their electoral expenses at the local and national levels were covered by the State. They also had access to the

(Mr. Eva, Cameroon)

communications media. At first, the emergence of political parties had caused great social tension but, once launched, the movement was irreversible.

18. Mr. ZIBI NSOE (Cameroon), commenting on the consequences of a conflict between the provisions of a national law and those of the Covenant, noted that any law that was not in line with the Covenant was null and void. As for the publicity given to the Covenant, Cameroon still had a great deal to do in that regard.

19. Mr. EVA (Cameroon), responding to questions relating to the electoral system in Cameroon, noted that there were separate electoral laws for presidential, legislative and municipal elections, although they had common provisions with respect to the eligibility of voters and candidates for election. Political parties were free to present the candidates of their choice; the Government only intervened in the matter to ensure that all candidates met the relevant eligibility criteria. There were joint committees, composed of representatives of both the Government and the political parties, for the preparation of the electoral rolls and for the issuance of voter identification cards. With respect to presidential elections the candidate with the most votes in the first round was elected. A mixed system of voting was used for legislative elections, in which the list of candidates with an absolute majority of the votes cast won the election. If no list obtained an absolute majority, then a proportional regime came into play whereby the list with a relative majority won half the seats in a particular district and the remaining seats were allocated in proportion to the number of votes received by the competing lists. In municipal elections, the list which obtained an absolute majority won half the seats in the district and the remaining seats were divided among all the lists, including the one that had obtained an absolute majority. There were also election monitoring committees composed of representatives of the Government and the political parties at all levels. At the national level, a national committee which was responsible for counting votes proclaimed the results of elections.

20. As for the concern which had been expressed about the fact that members of the National Committee for Human Rights and Freedoms held other posts, he noted that they were not engaged full time in the work of the Committee and worked free of charge. The National Committee elected its own officers, established its own rules of procedure and could institute and be a party to legal proceedings. Individual Cameroonians who felt that the exercise of their fundamental rights was being hampered could bring complaints before the Committee, which then took them up with the authority concerned.

21. A state of emergency could be declared in the case of events which were likely to cause a public disaster, disturbances which might seriously jeopardize law and order or State security, or external aggression. The serious disturbances that had occurred at Bamenda fell within the second category. What had mistakenly been regarded as illegal measures were merely the application of the legislation in force, since that legislation gave the authorities concerned sweeping powers, inter alia, to control the movement of goods and persons, authorize the use of soldiers in the maintenance of law and order, order the detention of individuals regarded as a threat to public security for periods ranging from seven days to two months, and institute censorship of the print and

(Mr. Eva, Cameroon)

audio-visual media. Any measures taken in application of state-of-emergency provisions must be communicated to the National Committee for Human Rights and Freedoms.

22. As for the arrest of the Chairman of the National Committee for Human Rights and Freedoms, it had been an unfortunate error on the part of a gendarme which had been blown out of all proportion. Upon learning of the arrest of some Cameroonian citizens in Yaounde, the Chairman of the National Committee, accompanied by the Public Prosecutor, had gone to investigate the matter at the gendarmerie and both had been incarcerated, even though they had identified themselves. As soon as he had been informed of the incident, the gendarme's superior officer had released them.

Right to life, liberty and security of person, treatment of prisoners and other persons deprived of their liberty, and right to a fair trial (articles 6, 7, 9, 10 and 14) (section II of the list of issues)

23. The CHAIRMAN read out section II of the list of issues concerning the second periodic report of Cameroon, namely: (a) the frequency of and the crimes for which the death penalty had been imposed and carried out since the consideration of the initial report; (b) any plans to revise the law with a view to further reducing the number of offences currently carrying the death penalty; (c) the rules and regulations governing the use of weapons by the police and security forces, violations of those rules and regulations and measures taken against those found guilty, steps taken to prevent a recurrence, and training programmes to inform law enforcement officials about their obligations under the Covenant; (d) complaints of torture or other inhuman or degrading treatment or punishment inflicted on persons deprived of their liberty, any investigations carried out and any action taken to punish those found guilty of such acts; (e) specific measures taken by the authorities to ensure strict observance of article 7 of the Covenant, the use in court proceedings of confessions or testimony obtained under duress, the adoption of the draft code of criminal procedure providing for every individual to be examined by a doctor of his choice before entering and upon leaving prison; (f) information on arrangements for the supervision of places of detention and on procedures for receiving and investigating complaints; (g) measures taken to overcome the insufficient degree of segregation in some detention centres between women and men, convicted and unconvicted prisoners and adult and juvenile offenders; (h) additional information on the legal conditions for administrative detention and on the application of article 9, paragraphs 4 and 5, of the Covenant; (i) information on guarantees to ensure the independence and impartiality of the judiciary; and (j) additional information on the jurisdiction of the military tribunals and the State Security Court, and on respect for the guarantees provided under article 14 of the Covenant in proceedings before those courts.

24. Mr. ZIBI NSOE (Cameroon), referring to section II (a), said that, since the consideration of the initial report, there had been no executions in Cameroon. With regard to section II (b), the latest revision of the law had been in 1990. As for section II (e), under the Criminal Code, physical attacks and threats by law enforcement officers, the administration of harmful substances or the performance of scientific experiments on patients without their agreement or that of those legally responsible for them were illegal. Confessions obtained

(Mr. Zibi Nsoe, Cameroon)

under duress were null and void. A draft Code of Criminal Procedure, which, inter alia, provided for compensation in the event of judicial error, had been submitted to the National Assembly for approval.

25. Referring to section II (f), he noted that the public prosecutor must investigate any information relating to illegal detention and have the situation rectified as soon as possible, otherwise he himself was liable to criminal proceedings. An administrative committee had been established to monitor the conditions of detention and make recommendations as to how to improve them. Complaints with respect to either illegal detention or poor conditions of detention could also be referred to that committee. Depending on the results of the investigation of complaints, those illegally detained could be released or recommendations could be made to the Minister of the Interior on how to improve prison conditions. Moreover, every year, the Ministry of the Interior conducted inspections of all prisons to verify the conditions under which prisoners were held. As for the overcrowding in prisons, which was a result of the sharp increase in the prison population brought about by the rise in urban crime and an increase in the urban population, the Government had been unable to implement its programme for the renovation and expansion of the prison infrastructure because of the harsh economic crisis it had been facing since 1986. Under the law, the courts of major jurisdiction were competent to hear requests formulated by prisoners, or by third parties on their behalf, for their immediate release when such requests were based either on a technicality or on the lack of sufficient grounds for detention. Any individual who had been illegally detained could demand compensation from the Government; should the Government fail to respond to that demand or should the person illegally detained find the compensation inadequate, he could bring the matter before the appropriate judge.

26. With regard to section II (i), under article 31 of the Constitution, the President of the Republic was the guarantor of the independence of the judiciary. According to article 26 of the Criminal Code, any attempt by any official of the executive branch to dictate to the judiciary was punishable by imprisonment for a period of six months to five years. Any respondent who felt that a judge trying his case was not impartial could either object and try to have the judge removed from the case or have his case transferred to another court.

27. As for section II (j), the jurisdiction of the military tribunals had been restricted under Act No. 90/048 of 19 December 1990 to purely military offences covered by military law and to various offences committed by soldiers, with or without civilian accomplices, in the performance of their duties, or offences committed by military personnel or personnel of equivalent status in a region under a state of emergency. The tribunals were competent to try only adults aged 18 and over. The State Security Court had jurisdiction over crimes against the internal and external security of the State. It could not try those under 16 years of age. The applicable procedures were those of common law. The guarantees provided for under article 14 of the Covenant were protected by the courts. The decisions of the State Security Court were subject to appeal.

28. Mr. EVA (Cameroon), replying to questions raised in section II (c) of the list of issues, said that, under recent legislation governing the use of firearms by members of the police force, firearms could be used only with the prior permission of the civil authorities when the police were themselves attacked with weapons or when widespread violence was being used against them. In other circumstances, law enforcement officials were authorized only to use non-lethal weapons, such as tear gas and truncheons. Violation of the legislation was punishable. In that connection, he referred to a recent case in which a police officer who had unlawfully discharged his firearm had been found guilty of murder and sentenced to life imprisonment; the court had also found the State liable and had awarded compensation to the victim's family. The regulations governing the proper use of firearms by police and security officials were part of the curriculum of the national police training school.

29. Referring to section II (d) of the list of issues, he said that there had indeed been complaints of torture and other inhuman and degrading treatment and punishment. In such cases, investigations had been carried out and the perpetrators had been punished. In a recent case an inspector of police had been found guilty of torture and sentenced to 15 years in prison. There again, the State had been required to pay compensation to the victim.

30. Mr. ZIBI NSOE (Cameroon) added that anyone who considered that he was illegally detained could have recourse to the courts and the courts often found in favour of the complainant. In such cases, an appeal by the State was to no avail since the judgement of the court was immediately executed.

31. Mr. FRANCIS expressed satisfaction with some of the steps which Cameroon had taken to strengthen the protection of human rights. In particular, he welcomed the ratification and entry into force in Cameroon of the Covenant and the Optional Protocol thereto and the fact that those instruments took precedence over domestic law in the hierarchy of norms in Cameroon. He noted that several other human rights instruments, both regional and global, had been ratified and incorporated into national legislation and that a National Committee for Human Rights and Freedoms had been established. He was also impressed by the competence which had been displayed by the Cameroonian judiciary on issues relating to human rights.

32. Certain areas of concern still remained, however. Additional information was needed on the dynamics of the interplay between official policies and the persons affected by those policies. He believed that the failure to punish those responsible for human rights violations was attributable to the absence of a legal culture in Cameroon. In that regard, the National Committee for Human Rights and Freedoms should play a more active role in promoting public awareness of human rights. He was disturbed by the admission in paragraph 68 of the report that, because of the inadequacy of prison facilities, there was an insufficient degree of segregation between women and men, convicted and unconvicted prisoners, and adult and juvenile offenders in some places of detention. Urgent efforts must be made to correct that situation.

33. He also noted that, because of the shortage of judges, accused persons were not always tried as promptly as could be desired and recalled that in 1963 the Government of Jamaica had responded to a request to provide assistance to the

Cameroonian judiciary. Creative solutions needed to be explored, including the hiring of retired judges and magistrates to deal with the backlog of cases.

34. Mrs. EVATT welcomed the establishment of a mechanism to punish members of the police force who were guilty of human rights abuses, including extrajudicial killings and torture. The willingness of the Cameroonian Government to engage in a genuine dialogue with the Committee was also very encouraging. The incidents which had been reported to the Committee showed how important it was for members of the police force to receive proper training. Beginning from the top, a climate of opinion must be developed in which such conduct would be condemned. In addition, machinery must be put in place to ensure that all instances of human rights abuses were investigated by an impartial and independent body and that the guilty parties were punished. She was particularly disturbed by the list of cases of torture, arbitrary detention and extrajudicial killings prepared by Amnesty International and she wondered why its report had not yet been made public and whether the Government intended to publish it at a later stage.

35. With regard to the National Committee for Human Rights and Freedoms, it would be helpful if the delegation could provide additional information on the role of the Committee and the precise scope of its mandate. On the question of police oversight, she would welcome information on the measures which the Government proposed to adopt to regulate police action, including the organization of special courses and leadership training.

36. The Committee would welcome amplification of the reply given by the delegation concerning guarantees to ensure the independence and impartiality of the judiciary in Cameroon. It was important to know, for example, the precise circumstances in which judges could be removed. She noted, moreover, that the power of the President of the Republic to appoint judges to the Supreme Court could influence the decisions of that court.

37. Mr. MAVROMMATIS said that, while the report contained useful information, it was vague on certain issues and lacked specific examples. He was particularly interested in the factors that restricted the State's ability to ensure respect for human rights.

38. With respect to the right to life established in article 6 of the Covenant, he considered the list of offences punishable by death in Cameroon to be far too sweeping. The death sentence for "acts of violence or physical assaults against a government employee, with the intention of killing him" (para. 49 (b)) was particularly vague, especially since nearly half of all workers in Cameroon were Government employees. The death sentence for "traffic in toxic or dangerous wastes" (para. 49 (c)) and for "aggravated theft" (para. 49 (d)) was also unacceptable. He pointed out that, in countries which had not abolished the death penalty, the Covenant provided that sentence of death should be imposed only for the most serious of crimes.

39. He was also disturbed by reports of instances of arbitrary arrest and detention, including the detention of the General Secretary of a major opposition party. He wished to know what action had been taken by the Government to resolve that situation.

(Mr. Mavrommatis)

40. With regard to the judiciary, there were classic methods of ensuring its independence, such as the appointment of its members by an independent panel, security of tenure and immunity from prosecution. In his view, article 14 of the Criminal Code of Cameroon was a clear attack on the independence of the judiciary, since failure to give judgement could render a judge liable to a term of imprisonment ranging from 5 to 20 years. He hoped that he was mistaken in his interpretation of paragraph 29 of the report and would welcome clarification.

41. Finally, he would welcome additional information on the system of legal aid referred to in paragraph 77 of the report. He wished to know, in particular, how such assistance was funded.

42. Mr. HERNDL said that he shared the views expressed by Mr. Mavrommatis on the subject of the death penalty in Cameroon. He noted, moreover, that the introduction of the death penalty for aggravated theft had been severely criticized within the country both because it was applied retroactively and because the definition of aggravated theft was extremely vague. If the State was not yet ready to abolish the death penalty, then it must at least restrict the list of offences which were punishable by death.

43. He was not completely satisfied with the replies given to the questions raised in section II (d) of the list of issues. Statistics and details of torture and other inhuman or degrading treatment or punishment would be helpful to the Committee's consideration of the report, which was noticeably silent on the many cases of torture and other abuses documented by Amnesty International and on the action that had been taken to punish the perpetrators and prevent any recurrence. The problem was a serious one which needed to be urgently addressed by the Government.

44. Mr. NDIAYE said that the cases of torture and other inhuman or degrading treatment or punishment documented by Amnesty International were deplorable. If such practices went unchecked, democracy could never flourish in Cameroon. He noted that there was a tendency for such abuses to be committed in Africa, where some ruling élites had been so long in power that they believed themselves to be above the law. The Government of Cameroon must ensure that such incidents were the exception rather than the rule and that the perpetrators were brought to justice.

45. Endorsing the views of Mrs. Evatt and Mr. Francis with regard to Cameroon's failure to segregate men and women prisoners and adult and juvenile offenders, he said he hoped that the Government would soon adopt measures to rectify that situation. Detention centres did not have to be prisons; detainees could be kept in more open areas and allowed to take part in economic production. The objective of development could not be achieved unless there was respect for human dignity.

46. With regard to the judiciary system, it appeared that certain practices, now outdated, were in conflict with the Covenant. For example, the State Security Court did not offer the same guarantees as regular jurisdictions and should be eliminated. It was difficult to understand why military tribunals had jurisdiction to hear cases concerning civilians, merely because the offences had

been committed in a part of the territory that had been declared to be in a state of emergency. A state of emergency was not a state of siege, nor did it imply the transfer of power to the military. Only military cases should be judged by military tribunals. Finally, he asked why the Government of Cameroon had retained the death penalty if, as it claimed, it was not applied.

47. Mrs. HIGGINS said that there was no point in allowing various political parties to exist if election procedures were controlled by only one party and if the leaders of the various parties, or members of the press who supported those parties, were frequently harassed and intimidated, and subjected to arbitrary arrest, as reports indicated. There had also been reports of extrajudicial executions during peaceful demonstrations, specifically during a peaceful demonstration at Bamenda on 25 March 1993. She asked whether reports that no action had been taken against those responsible were true. Furthermore, there had been extrajudicial executions of Shoa Arabs in June 1993 and January 1994, and in February 1994, there had been reprisal killings by Cameroonian soldiers during which approximately 50 unarmed civilians in the Shoa Arab villages of the far north had been executed. She asked whether the sentences referred to during the presentation of the report had been carried out, whether those sentences were subject to appeal, or whether they had constituted a sanction against lawlessness in the army. She also asked whether the Government of Cameroon could guarantee that effective measures would be taken to bring those responsible for the events in the far north of the country to trial.

48. Mr. WENNERGREN, referring to paragraphs 29 and 30 of the report, asked approximately how many cases involving human rights violations were brought each year before the administrative division of the Supreme Court. He sought clarification with regard to the procedure of the discretionary remedy of application to the administrative authority responsible for the action complained of and asked how many cases were settled at that stage, without any judicial remedy being envisaged. He also inquired as to the nature and success of the discretionary remedies.

49. Mr. BRUNI CELLI shared the concern expressed by previous speakers about the situation with regard to prison facilities in Cameroon and asked whether the Government had any plans to address the problem.

50. Referring to the statement in paragraph 76 of the report that judges were authorized to order in camera proceedings in certain cases, he asked what criteria were applied in that connection. He also asked for further information about the criteria applied in the appointment of judges, who appointed judges, whether the tenure of judges was limited on the basis of political or other circumstances, and whether judges received any special training in the area of human rights.

51. Mr. NDIAYE noted that administrative custody was subject to a 15-day renewable detention period (para. 63), whereas the custody of persons who were the subject of a police inquiry was limited to a renewable period of 24 hours (para. 62). He asked why there was such a difference in the two systems, why the 15-day detention period was so severe, and how many times the 15-day period could be renewed.

52. Mr. EVA (Cameroon), responding to Mr. Ndiaye, said that his Government had established certain laws in response to specific problems. Cameroon was currently facing a rise in crime in urban areas and, for the first time, in the countryside. Specifically, in the northern part of the country, groups of armed bandits were attacking and robbing merchants on market days as they returned to their homes from the marketplace. In response to that problem, administrative custody had been established to allow the administration to conduct thorough investigations before perpetrators were brought before a court of law. Administrative custody had proved quite successful in handling the growing number of cases of attacks by armed bandits.

53. In response to a question regarding administrative jurisdiction in Cameroon, he explained that the administrative division of the Supreme Court had been established at the same time as the Supreme Court itself to handle disputes between individuals and the administrative authority concerned. As indicated in paragraph 30 of the report, the procedure for bringing matters before the administrative division of the Supreme Court involved various stages. Initially, a discretionary remedy was addressed to the administrative authority responsible for the action in respect of which the complaint was lodged. If no satisfactory response was obtained at that level, the individual concerned could bring the matter before the administrative division of the Supreme Court, whose judgement could be appealed before a plenary assembly of the Supreme Court, which was the final court of appeal. While he did not have at his disposal statistics regarding the number of cases which were brought before the administrative division of the Supreme Court in a given year, such statistics could be obtained from the Court. Since Cameroon had been undergoing democratic reform, a growing number of citizens had had recourse to the administrative division.

54. Mr. ZIBI NSOE (Cameroon) said that judges were appointed by the President of the Republic, who also, with the assistance of the Supreme Council of Justice, made decisions regarding their promotion. There was unanimous agreement in Cameroon that the system for the appointment and promotion of judges needed to be modified and proposals to that end had been included in the new draft constitution. The current economic crisis had affected all sectors, including the judicial sector, and there was a great need for improvements in the training of judges and in their working conditions. In that connection, his country appreciated the assistance that had been offered by other States in the form of training programmes and judicial materials.

The meeting rose at 6.05 p.m.

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Fiftieth session

SUMMARY RECORD OF THE 1308th MEETING

Held at Headquarters, New York,
on Thursday, 31 March 1994, at 10 a.m.

Chairman: Mr. ANDO

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Second periodic report of Cameroon (continued)

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (continued)

Second periodic report of Cameroon (continued) (CCPR/C/63/Add.1)

1. At the invitation of the Chairman, Mr. Biloa Tang, Mr. Zibi Nsoe, Mr. Eva and Mr. Ekoumou (Cameroon) took places at the Committee table.

2. Mr. ZIBI NSOE (Cameroon), replying to questions asked in connection with section II of the list of issues, said that by law, court proceedings must be public, with the exception of certain cases relating to morality or public order, where secrecy could be ordered. The decisions, however, were always announced publicly. The only crimes for which the death penalty could be imposed were premeditated murder, certain forms of aggravated robbery, treason, espionage, engaging in hostilities against Cameroon, and seeking to undermine the national defence. Legal aid was provided in certain cases, but only on request. The system was administered by a commission, which appointed a lawyer for the defendant and a court official whose responsibility it was to ensure that the court's decision was enforced. In connection with the right to life, he noted that abortion was punishable by law; both the person who had undergone the abortion and the person who had carried it out were punished. Violence against a pregnant woman was punishable by law except in certain limited circumstances.

3. Mr. EVA (Cameroon), replying to a question concerning the mistreatment of detained members of the opposition, said that such cases did occur; although deplorable, it must be borne in mind that the mistreatment was sometimes the result of deliberate attempts by members of the opposition to circumvent the law.

4. Mr. BILOA TANG (Cameroon), amplifying his reply to an earlier question, said that since 1990 it was no longer possible for a single party to control the conduct of elections, as all electoral bodies were made up of representatives of all the candidates and parties.

5. Mr. MAVROMMATIS asked whether the provision referred to in paragraph 29 of the report (CCPR/C/63/Add.1) under which the failure of a court to render a decision was a punishable offence meant that the judge involved could be punished.

6. Mr. ZIBI NSEO (Cameroon) said that it did, but noted that the provision was applicable irrespective of the nature of the decision.

7. The CHAIRMAN read out section III of the list of issues, concerned freedom of movement, expulsion of aliens, freedom of religion, assembly and association, the right to take part in the conduct of public affairs, and rights of persons belonging to minorities. Paragraph (a) requested information on legislation and practice concerning authorized limitations of the right to protection of

(The Chairman)

privacy. Paragraph (b) inquired about measures taken pursuant to Act No. 90/052 of 19 December 1990, and current legislation and practice regarding censorship and control of the media. Paragraph (c) sought clarifications of the provisions adopted to liberalize the electoral law, and inquired about the number of political parties currently recognized. Paragraph (d) requested information on measures taken by the authorities to give effect to article 27 of the Covenant.

8. Mr. EKOUMOU (Cameroon) noted that a full response to paragraph (c) had been provided at an earlier meeting. In connection with paragraph (a), he said that the right of privacy covered the inviolability of the home and the family, and the confidentiality of correspondence; he knew of no cases in which they had been violated. The articles of the Criminal Code cited in the report referred to certain forms of defamation in the press, and there had been many convictions for such offences. Freedom of the press and of publication was guaranteed by law, on the condition that certain requirements were met regarding identification of the printers and editors of magazines, and information about their circulation. Journalists in Cameroon were required to act with responsibility and objectivity, although the right to protect sources of information was recognized and upheld except where danger to public order was involved. Journalists were required to obey the law, which entailed submission of their articles to the Public Prosecutor before publication. If the articles were held to be contrary to morality or public order, they could be subjected to censorship, although an appeal could be filed against that decision. The President of the Republic had issued instructions that such decisions must be taken by a court of law rather than the administrative authorities, and that the press should not be censored, and as a result there had been no instances of censorship recently. With respect to the treatment of journalists, he said that in the cases referred to by members of the Committee, the journalists had been arrested and interrogated because of violations of law. No journalist was under detention at present for a press offence, and it was the intention of the Government to continue its policy of liberalization within the framework of the law.

9. Freedom of religion was guaranteed provided that public order was respected. A problem had arisen with respect to one religious association, the Jehovah's Witnesses, which had engaged in agitation and incitement. However, since 1990, the Jehovah's Witnesses had been able to practise their faith freely, and recently they had held demonstrations in Yaoundé without interference.

10. In connection with article 27 of the Covenant, he said that 300 ethnic groups existed in Cameroon, each with its own language, customs and religion, which were fully respected. The only minority in Cameroon consisted of the pygmies. They too had their own language and religion, and were granted the same rights as all other Cameroonians. They were being integrated into the life of the country, including its public life. Part of the population of Cameroon spoke English and part French, but that was not a significant factor in the country's life, as Cameroonians were influenced not by the language they spoke but by their tribal affiliation.

11. Mr. POCAR said that many of the questions regarding articles 21 and 22 which the initial report had not answered had been clarified to his satisfaction in the second periodic report (CCPR/C/63/Add.1). More information would be useful, nevertheless, on the right of peaceful assembly mentioned in paragraph 91, and the conditions under which meetings open to the public and held in public thoroughfares could be forbidden. With regard to freedom of association and freedom to form trade unions, he wondered whether religious associations, as referred to in paragraph 92, could be forbidden if they addressed problems relating to national integration, for example. Further information was needed on the Government's recognition of the freedom to form trade unions, in the light of reports from some non-governmental organizations of problems in that area, including intimidation of organizers.

12. With regard to minority rights under article 27, paragraph 105 of the report was unclear. A political majority was not necessarily an ethnic majority, and he failed to understand how the majority rule of democracy could place an ethnic minority at a disadvantage, unless the political majority was composed of certain ethnic groups to the exclusion of others.

13. Mr. NDIAYE asked what measures the Government had taken to promote the use of national languages in Cameroon, and whether those languages were used to disseminate information about the Covenant. On the question of censorship, he asked how the judicial authorities could exercise control over freedom of expression. According to paragraph 85 of the report, the State no longer had a monopoly over the means of audio-visual communication. He wondered whether that monopoly had ended only on paper or whether real progress had been made towards privatization. He could understand the severe controls on freedom of association for foreign associations, but would be interested to learn why controls were so severe for religious communities.

14. Mr. BRUNI CELLI noted that the results of the first multi-party election had been challenged by the major opposition parties, and asked for more information on who had administered the election process, to whom the candidacies had been submitted and what body had verified that the elections had been fair. He wondered if any recourse existed if election results were disputed and how the Government had reacted to the protests. It would be interesting to know whether the requests for the review of the election results had been received and recognized by a legitimate and competent authority.

15. The Committee understood that instances of torture and ill-treatment of prisoners could happen anywhere, even in developed societies with long democratic traditions, and that the members of the delegation could not guarantee that such incidents would not recur. The Committee could, however, ask for a guarantee that the Government of Cameroon would take all possible measures to prevent such occurrences and to see that offences were investigated and punished. It could not allow impunity in such matters.

16. Mr. SADI said that he remained concerned about the freedom of journalists and the press, and asked for further information on how the judiciary could rule on the objectivity of articles, for example, editorials, published in the press.

(Mr. Sadi)

17. The provisions on religious freedom offered only blanket protections. Unless they were articulated in greater detail, he would consider them insufficient. He urged the Cameroonian Government to make use of the Committee's jurisprudence on articles 18 and 27, which contained definitions of the impact of those articles on minority rights and freedom of religion. He would be interested to know whether additional laws giving effect to those protections existed.

18. Mrs. CHANET requested clarification on the system applied to religious associations, which seemed similar to that applied to political parties. The freedoms guaranteed under article 18 were absolute, however, and there could be no derogation from them.

19. Regarding censorship, she, too, wondered how the courts could judge the objectivity of the contents of a press article. Reports that publication of a number of magazines had been suppressed by force, and reports of detention for press offences and ill-treatment of journalists were quite disturbing.

20. Clarification was needed of paragraph 72. She would welcome information about the system for issuing passports to Cameroonians in exile. She wondered if those exiles had not been free to return to the country before the Amnesty Act of 1991.

21. Mr. HERNDL said that he would like further information on the implementation of article 27. The initial report of Cameroon had spoken of national unity and common goals, and had made a brief reference to the pygmy tribe, but had contained little information. He recalled that members' concerns had not been allayed by the explanations given, and that the Committee had expressed the hope that the second periodic report would contain more information. It was still to be hoped that the third periodic report would show further improvement in that area. Further details were required on the positive measures taken by the Government to allow minorities to enjoy their language and culture, and on the legal regime applicable to minorities.

22. Mrs. HIGGINS said she was surprised that the Government had based its approach to religion on the Universal Declaration of Human Rights and the United Nations Charter, which contained almost no reference to that subject. She also found it surprising that the Jehovah's Witnesses had been connected with incitement to revolt, but her overall impression was that no major problems existed in Cameroon in the areas of religion and minorities.

23. She recognized that journalists must obey the laws in force, but she wondered whether those laws were compatible with the Covenant. The Committee had taken the view that prior submission of material for approval was incompatible with article 19 and constituted an unacceptable limitation. Limitations were permitted in order to preserve public order, but that was often taken to mean any criticism of the Government. In her view, transferring the matter to the judiciary would not solve the problems; a change of attitude was required.

24. She found it perplexing that any form of declaration or prior authorization should be needed in order to form an association or trade union. She inquired

(Mrs. Higgins)

whether teachers were permitted to form a trade union, whether the Sydicat National Autonome d'Enseignement Secondaire had been recognized as legal, and whether teachers had the right to strike. If strikes by teachers were indeed unlawful, she wondered why the Government's response had been not to disperse the strikers, but to arrest and hold members of the teachers' union without charge.

25. Mr. AGUILAR requested an explanation of how the Jehovah's Witnesses, a pacifist movement, could have incited a revolt against the State.

26. Some concerns remained regarding the way in which journalists were able to practise their profession in Cameroon. Further explanation was needed of the meaning of "protection of the sources of the organs of social communication" mentioned in paragraph 85 of the report (CCPR/C/63/Add.1). He had little confidence in the concept of journalistic objectivity and neutrality of the press, since most journalists had a political agenda, whether or not it was stated openly. It was also of concern that the delegation had not stated that censorship no longer existed in Cameroon, but that there was less censorship, and he would welcome an explanation of the meaning of that concept.

27. Mr. EL-SHAFEI said that he appreciated the great efforts of the Cameroonian delegation to provide satisfactory information and answers to the Committee's questions. The need for some control of the transition to a multi-party system was understandable, but reports had been received from Amnesty International that, during the transition period, the Government had passed legislation establishing three new political offences, including propagation of false information, and had repealed previous laws, thereby increasing government powers to censor the press. More information on those developments was needed.

28. Regarding article 27 of the Covenant, the reporting State maintained that there were no ethnic differences between francophones and anglophones in Cameroon, and that pygmies were the only distinct minority group. It seemed to him, however, that more reflection was needed on the question of the two major linguistic groups, in addition to a more detailed explanation of efforts to reconcile conflicts between ethnic groups.

29. Mr. WENNERGREN said that he would appreciate further information concerning the implementation of article 22 of the Covenant, which dealt with freedom of association. Paragraph 92 of the report stated that the only restrictions imposed by the legislature upon that freedom related to associations founded for a cause or in pursuance of an objective that was contrary to the Constitution, the laws and morality, as well as those whose apparent aim was to undermine territorial security, national unity, national integration and the republican form of government. That criterion was excessively vague and could, for example, be used to outlaw the Jehovah's Witnesses; the reporting State should indicate how it was meant to be interpreted, whether it promoted liberalization, and whether an international non-governmental organization, such as Amnesty International, would be able to establish a national branch in Cameroon and to function legally or whether it might be looked upon as a threat. He also wondered whether such a branch, if established, would have access to sources of

information such as the third periodic report of Cameroon prior to its submission to the Committee.

30. Mrs. EVATT said that she was still awaiting a reply to the question she had asked relating to the practice of female circumcision. The Government had informed the Special Rapporteur of the Subcommission on Prevention of Discrimination and Protection of Minorities that the practice persisted and that a national committee had been established to conduct education programmes on the subject. The reporting State should be more specific about how extensive the practice was, how extensive the resources devoted to its eradication were, how effective those measures had been, and whether the Government was committed to its eradication.

31. Mr. LALLAH said that he associated himself with the observations concerning freedom of the press. Prior restraint was unacceptable in a country that was making a transition to democracy. Objectivity on the part of journalists was not a prerequisite for the implementation of article 2 of the Covenant. The issue concerned not only journalists and the media, but the right of everyone to freedom of information.

32. Mr. EKOUMOU (Cameroon) said that members of the Committee might have misunderstood his remarks concerning the transfer of censorship functions to the judicial authorities. What he had intended to say was that current legislation guaranteed all persons the right to institute legal proceedings if they believed that they had been slandered or libelled by the audio-visual media or the press; he had not meant to imply that the courts were setting themselves up as censors.

33. In reply to Mrs. Chanet's questions regarding the detention of journalists and the so-called muzzling of the press, he wished to refer to what had been said at an earlier meeting about the teething troubles of democracy; in the case of Cameroon, the baby, democracy, had just been born. It was to be hoped that the baby would grow to maturity and that Cameroonians would be able to live under a democratic system. His delegation would convey the Committee's concerns to his Government, in the hope that when the delegation next appeared before the Committee, it would be able to state that certain laws contrary to the spirit of the Covenant had been amended.

34. The Jehovah's Witnesses did not represent one of the world's great monotheistic religions; rather, they were a sect, one that engaged in extensive proselytizing and recruiting activities. While his Government had no intention of interfering with their beliefs, it had been compelled to intervene because the Jehovah's Witnesses were turning young people against their families. That was why they had been prohibited. Furthermore, when a religious movement demanded that its supporters should refuse to salute the national flag or to sing the national anthem, Governments were entitled to take certain steps to protect national unity.

35. Replying to Mr. Ndiaye's question concerning the promotion of national languages, he said that radio stations in each of the provinces broadcast in the langauge of that province, and that universities promoted the teaching of

(Mr. Ekoumou, Cameroon)

national languages. With regard to the State monopoly over the audio-visual media, while privatization was not being considered for the time being, Act No. 90/052 of 19 December 1990 permitted the private sector to set up broadcasting companies, although the magnitude of the investments required meant that no such companies had been set up to date.

36. Mr. EVA (Cameroon) said that his earlier remarks on the issue of torture and ill-treatment of detainees were evidence of his Government's determination to ensure that such uncontrolled situations would not recur in the future.

37. On the question of passports, he said that passports were now issued routinely. Cameroonian citizens were no longer required to obtain entry and exit visas, although visas were still required for foreigners.

38. Concerning the Jehovah's Witnesses, he said that they discouraged their followers from participating in the elections, which was contrary to the aims of the electoral reform.

39. As to the promotion of national languages, such efforts were hampered by the large number of languages. Even at the provincial level, local radio stations broadcast in the language that was spoken and understood by the largest number of people in the area, but that did not mean that everyone spoke the same language.

40. Amnesty International did not have a monopoly on the truth. If it wished to open a branch in his country, and if it could convince the authorities that it would abide by the laws and regulations, then it would be authorized.

41. Replying to Mrs. Evatt, he said that female circumcision was not a major problem, or at least not as severe a problem as in other African countries. In any case, Cameroonian women were mobilizing to defend their rights, and he was certain that they would succeed in changing attitudes.

42. Mr. BILOA TANG (Cameroon) said that it was entirely inaccurate to speak of the Cameroonian press as being "muzzled". The press in his country reflected the full range of opinions. Journalists were free to criticize the Government, and did so.

43. He wished to make it clear that the courts were not responsible for censorship, but for punishing breaches of the law. The courts could not ask journalists to withdraw or to rewrite articles. As in all countries, there were, of course, sources of information not accessible to journalists, such as information relating to national defence. Journalists were held responsible for what they wrote, and if a journalist revealed privileged information, he would be prosecuted.

44. With regard to freedom of association, particularly the freedom to form trade unions, he said that the public-sector trade unions were in the process of gaining recognition, but were already carrying out their functions and negotiating with the Government. Notwithstanding the allegations made by

(Mr. Biloa Tang, Cameroon)

Amnesty International, there was no policy of deliberate harassment of trade-union leaders. It should be noted, however, that trade-union leaders were required to observe the law like everyone else, and that if they broke the law, they could not go unpunished.

45. The entire electoral process was under judicial supervision; at any stage, if citizens felt that their rights had been violated, they could institute court proceedings. They had done so during the previous two elections.

46. Mr. ZIBI NSOE (Cameroon), replying to Mr. Bruni Celli's question concerning the October 1992 election, said that the provisions of the electoral law had been strictly observed. Each candidate had designated one representative to act as an observer at each polling station, and, in each electoral district, each political party had designated three representatives who had had access to each polling station on the day of the election. When representatives of the political parties had visited polling stations, they had exercised that right to make any observations they wished and to have their remarks reflected in a record drawn up for that purpose. The electoral law had provided for the results of the election to be examined by a commission consisting of representatives of each candidate at both the departmental and national levels. Taken together, those procedures constituted transparency in the electoral process.

47. With regard to the allegations that some persons had been prevented from registering to vote, he said that the registration period was from 1 January to 30 April of each year. In 1992, some opposition parties had decided that they did not wish to take part in the legislative election held on 1 March, and had urged their supporters not to register to vote. Subsequently, however, those parties had realized their mistake and reversed their position, but in the time remaining for registration, not all of their supporters had been able to register. The number of registered voters and the number of votes cast had increased by several hundred thousand between 1 March 1992 and 11 October 1992, particularly in areas where those parties were strong.

48. The suggestion that a lack of proper controls had resulted in multiple voting was groundless. Adequate controls, involving the positive identification of voters, were in place. Further, voting records from each polling station had been made available to every candidate. The announcement of the election results had quickly been followed by outbreaks of violence, which had obliged the Government to declare a state of emergency. The situation had been such that government forces had to be dispatched to protect the residences of certain candidates for their own safety. In an election where the leading candidate had obtained almost 40 per cent of the vote, with a six-point lead over the candidate in second place, it was hard to see why the Committee felt that the process had not been democratic. It seemed that Committee members had received inaccurate information.

49. Mr. NDIAYE noted the frank and fruitful dialogue with the delegation. The Committee was not saying that any group, such as journalists, was above the law, but simply that everyone had the right to equal protection under the law. Any punishment of those who broke Cameroonian law must be in accordance with articles 7 and 9 of the Covenant.

50. The delegation could not use the argument of underdevelopment to explain the overcrowding in Cameroonian prisons. It was particularly inappropriate to house men, women and children in the same institutions; such an approach was likely to foment crime.

51. The membership of the Supreme Council of Justice should be changed to comprise judges rather than deputies. The practice of holding suspects in custody should be reviewed, since it seemed to be too easy to extend the duration of detention, and the practice appeared not to be under adequate judicial control. Lastly, he welcomed the liberalization in Cameroon regarding the press, and urged that the appropriate legislation should be brought into line with the provisions of the Covenant.

52. Mrs. HIGGINS supported the comments made by the previous speaker. She welcomed the positive attitude displayed by the delegation, which evidenced a clear commitment to the promotion of human rights. The Government must, however, appreciate the importance of democracy as a vehicle for promoting those rights. While problems had been recognized, not enough had been done to deal with such issues as extrajudicial killings. During what was a transition period, there was a need to ensure that the Covenant was complied with and that checks were established, for example, in the areas of freedom of expression and electoral impartiality. The security forces required training, and those guilty of human rights violations must be punished. She hoped that the Committee would be able to assist Cameroon in the strengthening of its democracy.

53. Mr. HERNDL said that he supported the previous speaker. The dialogue that was emerging was of particular importance in view of the political restructuring and the establishment of democracy in Cameroon. That process would involve changes in the legal system, and the provisions of the Covenant, particularly those relating to the right to life and the non-use of torture, should be duly reflected. He trusted that by the time the next report was submitted, considerable progress towards the application of the Covenant's provisions would be apparent.

54. Mr. PRADO VALLEJO said that his major concerns related to the limited authority of the National Committee for Human Rights and Freedoms, and the continued occurrence of human rights violations. The political culture of the country must be changed, and the country's legislation must be brought into line with the provisions of the Covenant. The Government might consider devising an education campaign for schools and the police. Arbitrary detention, which was clearly incompatible with the Covenant, was still widespread. Other areas of concern included freedom of religion, and equality between the sexes; women still suffered discrimination. There again, education had a role to play.

55. Mrs. CHANET noted the positive developments in Cameroon, such as the establishment of the National Committee for Human Rights and Freedoms and the move to a multi-party system. Nevertheless, areas of concern remained, including protection of the right to life and freedom of expression, as well as the need for measures to prevent the use of torture. The Government, in its constitutional reform initiatives, should give priority to including guarantees in respect of all the rights protected under the Covenant. The Covenant itself should be widely distributed so that all could be aware of their rights. The practice of holding suspects in custody must be reviewed, officials properly trained, and respect for the law promoted. Lastly, the Family Code must be amended to promote greater equality between men and women.

56. Mr. WENNERGREN noted the improvements in Cameroon since the submission of the first report in 1989. The promotion of democracy and the rule of law, and the protection of human rights could not come about overnight, but liberalization was proceeding. It seemed that the society had a somewhat patriarchal approach in some areas, such as freedom of expression and assembly, and that there were difficulties in applying the provisions of the Covenant. He trusted that that state of affairs would rapidly alter, and that the third periodic report would describe a situation in full compliance with the Covenant.

57. Mrs. EVATT welcomed the improvements in Cameroon. There was a need to ensure that every element in the Government respected the rule of law, to which end appropriate programmes should be established for officials in the Government and the security forces. The investigatory and enforcement authority of the National Committee for Human Rights and Freedoms must be strengthened, and all allegations of human rights violations must be investigated by an independent agency and followed up by appropriate prosecutions. Women's rights must be protected more actively, and there must be a firm commitment to end female genital mutilation.

58. Mr. EL-SHAFEI said that the Government should give more consideration to application of the Covenant, and should seek to engage non-governmental and other organizations in that process. His principal concerns related to conditions of detention, the use of torture, action by the armed forces against civilians, extrajudicial killings, and freedom of expression. There was a need for improved monitoring of human rights, in which connection the authority of the National Committee for Human Rights and Freedoms should be strengthened.

59. Mr. POCAR said that he shared the concerns expressed by other Committee members. He was particularly concerned over the protection of judicial and public freedoms, but noted that progress had been made.

60. The CHAIRMAN said that Cameroon's colonial legacy could not be allowed to hinder the implementation of the Covenant; explanations of difficulties did not excuse the Government from overcoming them. He trusted that human rights would not be seen as an obstacle, but as a means of achieving unity and promoting the welfare of the people. The Committee would do its utmost to help the Government to identify and solve the problems that remained.

61. Mr. EVA (Cameroon) said that he appreciated the Committee's help and cooperation, and welcomed the development of the dialogue with the Committee.

62. Mr. ZIBI NSOE (Cameroon) said that the delegation would transmit the lessons it had learned from the Committee to the Government, which was fully aware that without freedom there could be no development. The key lay in education. It was gratifying to note the interest of the Committee and of the international community in the problems faced by Cameroon.

63. The CHAIRMAN said that the Committee had completed its consideration of the second periodic report of Cameroon.

The meeting rose at 1.15 p.m.